

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

| APPLICATION NO. | | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------|--------------|----------------------|-------------------------------|------------------|
| 09/847,883 | | 05/03/2001 | David Allen Roberts | 05918P2 USA. 5807 EXAMINER | |
| 23543 | 7590 | 02/24/2005 | | | |
| AIR PROI | DUCTS A | AND CHEMICAL | BOYD, JENNIFER A | | |
| PATENT DEPARTMENT 7201 HAMILTON BOULEVARD ALLENTOWN, PA 181951501 | | | | ARTUNIT | PAPER NUMBER |
| | | | | 1771 | |
| | | | | T . TT TT TT | _ |

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | | | |
|--|--|---|--|--|--|--|--|
| Office Action Commons | 09/847,883 | ROBERTS ET AL. | | | | | |
| Office Action Summary | Examiner | Art Unit | | | | | |
| | Jennifer A Boyd | 1771 | | | | | |
| The MAILING DATE of this communication appearing for Reply | ears on the cover sheet with the c | orrespondence address | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEE | ely filed will be considered timely. the mailing date of this communication. () (35 U.S.C. § 133). | | | | | |
| Status | | | | | | | |
| 1) Responsive to communication(s) filed on 26 No. | ovember 2004. | | | | | | |
| 2a)⊠ This action is FINAL . 2b)□ This | This action is FINAL . 2b) This action is non-final. | | | | | | |
| , and the second | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | | |
| closed in accordance with the practice under E | x parte Quayle, 1935 C.D. 11, 45 | 3 O.G. 213. | | | | | |
| Disposition of Claims | | | | | | | |
| 4) Claim(s) 4-11,13-20 and 22-25 is/are pending in the application. | | | | | | | |
| | 4a) Of the above claim(s) <u>24 and 25</u> is/are withdrawn from consideration. | | | | | | |
| | Claim(s) is/are allowed. | | | | | | |
| | Claim(s) 4-11,13-20,22 and 23 is/are rejected. | | | | | | |
| · | ☐ Claim(s) is/are objected to.☐ Claim(s) are subject to restriction and/or election requirement. | | | | | | |
| o) Claim(s) are subject to restriction and/or | cicolon requirement. | | | | | | |
| Application Papers | | | | | | | |
| 9) The specification is objected to by the Examine | r. | | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | | |
| 11) Ine oath or declaration is objected to by the Ex | aminer. Note the attached Office | Action or form P1O-152. | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | | |
| 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list of | s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)). | on No ed in this National Stage | | | | | |
| Attachment(c) | | | | | | | |
| Attachment(s) 1) Notice of References Cited (PTO-892) | 4) Interview Summary | (PTO-413) | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Da | | | | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | 6) Other: | atent Application (FTO-102) | | | | | |

Application/Control Number: 09/847,883 Page 2

Art Unit: 1771

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed November 26, 2004,

have been entered and have been carefully considered. Claims 24 and 25 are added and claims 4

-11, 13 - 20 and 22 - 25 are pending. The invention as currently claimed is not found to be

patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Election/Restrictions

3. Newly submitted claims 24 and 25 are directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons: the product of claims 4

- 11, 13 - 20 and 22 - 23 can be used in a materially different process such as spraying the

surface with the solution and then using the wipe to remove the contaminates from the surface.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 24 - 25 are withdrawn from consideration as being directed

to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

Application/Control Number: 09/847,883

Art Unit: 1771

- 4. Claims 4 11, 13 15, 17 19 and 23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Morin et al. (US 6,189,189) in view of Wilkinson et al. (EP 0830890 A1). The details of the rejection can be found in paragraph 3 of the previous Office Action dated October 20, 2004. The rejection is maintained.
- 5. Claims 20 and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Morin et al. (US 6,189,189) in view of Wilkinson et al. (EP 0830890 A1) and Watts et al. (EP 0389612 B1). The details of the rejection can be found in paragraph 4 of the previous Office Action dated October 20, 2004. The rejection is maintained.

Response to Arguments

- 6. Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive.
- 7. In response to Applicant's arguments that there is no motivation to use the particular acetylenic alcohol of Wilkinson in place of isopropyl alcohol or any other alcohol in the wipe of Morin, the Examiner respectfully argues the contrary. Morin discloses wipers which may be used for cleaning surfaces in electronic clean rooms. Although Morin does suggest that isopropanol is a suitable alcohol, Morin also provides a generic disclosure to the types of alcohols that may be impregnated into the wiper substrate. Morin lists patents to provide further disclosure of additional solvents which may be used in the wipes *only by way of example*. Morin does not intend to be limiting in the type of alcohol as the solution utilized in the wipe. Therefore, one skilled in the art would believe that any alcohol which has been proven to be an effective surfactant in clean room applications would be an acceptable alcohol in invention of Morin.

Application/Control Number: 09/847,883 Page 4

Art Unit: 1771

Wilkinson discloses the use of a variety of acetylenic diols solutions for use in electronic cleaning operations. The Examiner acknowledges that the acetylenic diols of Wilkinson are used in supercritical cleaning operations. However, the Examiner submits that the environment in which the cleaning takes place is irrelevant since Wilkinson does demonstrate that surfactants such as acetylenic diols are useful in cleanroom type applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acetylenic diols of Wilkinson as the alcohol in Morin motivated by the desire to choose an alcohol suitable for applications such as electronic cleaning operations.

- 8. In response to Applicant's argument that Watts does not provide motivation to use Applicant's claimed surfactant in the wipe of Morin, the Examiner submits that Watts is used only to provide motivation for using a cotton/polyester substrate for the wipe of Morin in view of Wilkinson. The Applicant agrees that it would have been obvious to use such a substrate as a clean room wipe.
- 9. In response to Applicant's arguments that the references must suggest some range of use to reach a conclusion that the range can be optimized, the Examiner respectfully points out that Wilkinson teaches a range of use of the acetylenic alcohol in the Detailed Description of the Invention on lines 30 35. If the claimed ranges have unexpected results, the burden is upon the Applicant to demonstrate that the claimed ranges are not a matter of simple optimization. The Examiner highly suggests to the Applicant to submit a 37 CFR 1.132 Declaration to establish unexpected results. In the Declaration, the Applicant should compare a sufficient number of tests both inside and outside the claimed range to show the criticality of the claimed range. In re Hill,

284 F.2d 955, 128 USPQ 197 (CCPA 1960) and must compare the claimed subject matter with the closest prior art to be effective to rebut a prima facie case of obviousness.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/847,883 Page 6

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lennifer Boyd

February 16, 2005

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700